

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

MISCELLANEOUS PETITION NO. 108 OF 2023

1. Gopaldas Moolchand Nagpal alias

Gopaldas Nagpal alias

Moolchand Gopaldas Nagpal

2. Draupadi Gopaldas Nagpal alias

Draupadi Nagpal

...Deceased

Ramesh Gopaldas Nagpal & Anr.

...Petitioners

Adv. Prabhu Velar for Petitioners.

CORAM : ARIF S. DOCTOR, J.

DATE : 27th March, 2023

P.C. :

1. The Petitioners seek the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of (1) Gopaldas Moolchand Nagpal alias Gopaldas Nagpal, alias Moolchand Gopaldas Nagpal ('Deceased No.1'), (2) Draupadi Gopaldas Nagpal alias Draupadi Nagpal ('Deceased No.2), who died in Mumbai on 5th September, 2013 and 1st November, 2022 respectively. Copies of the death certificates are annexed to the Miscellaneous Petition. It is stated that despite due and diligent search, no Will of the deceased has been found. It is therefore assumed that the deceased died intestate.

2. The deceased left behind their surviving as their only heirs and next of kin according to Hindu Succession Act, 1956, the Petitioners.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 7 of the Miscellaneous Petition.

4. The other legal heirs of the deceased have filed consent affidavits, which are annexed to the Petition.

5. No other Petition for Legal Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without Will annexed has been filed. Therefore, there is no impediment in law to the grant of relief.

6. I have heard the learned Counsel appearing on behalf of the Petitioners as well as perused the said Petition. I find that the same is in order and deserves to be allowed in the interest of justice.

7. The Miscellaneous Petition is therefore allowed in terms of prayer clause (a) which reads as under :-

“ (a) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provision of Bombay Regulation VIII of 1827 certifying that Ramesh Gopaldas Nagpal (son) and Shobha Lalu Makhija nee Shobha Gopaldas Nagpal are the only legal heirs of both Deceased

No.1 i.e. Gopaldas Moolchand Nagpal alias Gopaldas Nagpal, alias Moolchand Gopaldas Nagpal (father) and Deceased No.2 i.e. Draupadi Gopaldas Nagpal (Mother)."

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.

9. In view of the fact that Petitioners are the sole legal heirs of both the deceased issuance of Proclamation is dispensed with.

10. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)